REMARKS

Claim Amendments

Previously pending Claims 48, 53, 81 and 136-145 are canceled by the accompanying amendment. Claim 18 has been amended to recite that the complex inhibits HIV *in vivo*. Support for this amendment may be found throughout the specification as filed, for example at page 61, lines 24-25. Claim 24 has been amended to insert the definitions of each of amino acid residues Y1 to Y14. The amendment to claim 24 is supported throughout the specification as originally filed, for example at page 49, lines 9-28. Claim 24 also has been amended to insert a missing sequence identifier for sequence No. 857 and to correct a typographical error. No new matter is added by these amendments.

Applicants reserve the right to pursue any subject matter canceled from the claims in one or more continuing applications.

Provisional Double Patenting over U.S. Patent Application 10/478,811

Applicants respectfully request the provisional non-statutory double patenting rejection be held in abeyance until the scope of patentable subject matter is determined. Moreover, as U.S. Patent Application 10/478,811, has not been allowed, any terminal disclaimer would be premature.

Rejection of Claims Under 35 U.S.C. § 112, second paragraph

Claim 24 has been amended to address the Examiner's concerns regarding the definition of amino acid residues Y1 to Y14 by inserting the specific recitation of those amino acid residues.

Rejection of Claims Under 35 U.S.C. § 112, first paragraph

Claims 18-28 and 30 are rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the enablement requirement, as the specification allegedly "does not reasonably provide enablement for a composition and method for inhibiting antiviral activity *in vivo*." Applicants respectfully disagree with the position taken by the Examiner.

The enablement requirement of § 112 is satisfied when an application describes an invention in a manner that permits one of ordinary skill to practice it without undue experimentation. (MPEP § 2164.01). The Examiner admits that the specification is enabling for compositions and methods for inhibiting the activity of HIV (Office Action at page 4), but

asserts that the specification is not enabled for compositions that possess other antiviral activities *in vivo*. The Examiner does not contend the claimed complexes cannot be made and antiviral assays are known in the art. Conducting antiviral assays requires no more than routine experimentation and nothing the Examiner points to suggests otherwise. Moreover, a patent specification need not teach, and preferably omits, what is well known in the art. *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1384, 231 USPQ 81, 94 (Fed. Cir. 1986).

Although Applicants respectfully disagree with the position taken by the Examiner for at least the reasons set forth above, and do not acquiesce to the propriety of the rejection, they have amended the claims to recite that" the complex inhibits HIV *in vivo*", thereby obviating the Examiner's concerns.

CONCLUSION

Applicants respectfully submit that every rejection and objection of the pending claims has been overcome, and they respectfully request withdrawal of those objections and rejections along with an indication that the claims are in condition for allowance. If the Examiner has any questions he is invited to contact Applicants' undersigned representative.

Date: October 28, 2010

Respectfully submitted,

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